

AMENDMENTS TO THE DRAWINGS

Applicant respectfully submits one replacement drawing sheet in which FIG. 3 has been amended to add the reference numbers “22c” and “26a.”

Attachment: One Replacement Sheet (FIGS. 2 & 3).



REMARKS

I. Formalities

Applicant thanks the Examiner for acknowledging the claim for foreign priority and for confirming receipt of the certified copy of the priority documents.

Applicant also thanks the Examiner for considering the references cited with the Information Disclosure Statement filed on September 30, 2004.

II. Status of the Application

Claims 1-16 are all the claims pending in the Application. Claims 1, 5-6, 11, 13-14 and 16 have been rejected. Claims 2-4, 12 and 15 are objected to and claims 7-10 are allowed.

The present Amendment addresses each point of objection and rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

III. Allowable Subject Matter

Applicant thanks the Examiner for finding allowable subject matter in claims 2, 12 and 15 and indicating that claims 2, 12 and 15 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. However, Applicant respectfully requests that the Examiner hold in abeyance such rewriting until the Examiner has had an opportunity to reconsider (and withdraw) the prior art rejection of the other claims.

IV. Objections to the Drawings

The Examiner has objected to Figure 3 alleging various informalities. In particular, the Examiner alleges that the reference numbers "22c" and "26a," as mentioned on line 8 of page 7 and on line 10 of page 7, respectively, in the specification are not shown in Figure 3.

Applicant has submitted one replacement drawing sheet including FIGS. 2 and 3 in which the informalities noted by the Examiner in Figure 3 have been corrected. Thus, Applicant respectfully requests that the Examiner withdraw this objection.

V. Claim Objections

The Examiner has objected to claims 3, 7, 12 and 15 alleging minor informalities. Applicant has amended claims 3, 7, 12 and 15, as set forth above, to correct the informalities noted by the Examiner. Thus, Applicant respectfully requests that the Examiner withdraw these objections.

VI. Claim Rejections Under 35 U.S.C. § 102

The Examiner has rejected claims 1, 6, 11, 13, 14 and 16 under 35 § USC 102 (a) as allegedly being anticipated by Japanese Patent Application No. 2002-05273 8 to Yanagida (hereinafter “Yanagida”). Applicant traverses these rejections for *at least* the reasons set forth below.

According to the MPEP, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” (MPEP § 2131). Applicant respectfully submits that claims 1, 6, 11, 13, 14 and 16 positively recite limitations which are not disclosed (or suggested) by Yanagida.

A. Independent Claim 1

Independent claim 1 requires (among other things):

...a control section which controls said
moving mechanism in such a way as to move said
carriage to a replacement position from a standby

position in the case where said determining section has determined that replacement with said replacement liquid container should be performed.

The Examiner alleges that the print controller 112 and the carriage migration device 122 correspond to “a control section” as recited in claim 1. Applicant respectfully disagrees.

Contrary to the requirements of claim 1, Yanagida discloses the feature of displaying a warning message when the liquid container needs to be replaced. However, Yanagida does not provide any disclosure or suggestion whatsoever regarding the feature of controlling the carriage to move to a replacement position when the liquid container needs to be replaced, as required by claim 1.

Indeed, Yanagida merely discloses the feature of a printer having a function of informing a user as to whether the replacement liquid container 61 is housed in a replacement holder 14, or whether the replacement liquid container 61 in a replacement holder 14 has not been used. *See e.g.*, FIG. 1 and FIG. 4. As such, Yanagida fails to disclose, or even remotely suggest, the feature of controlling the carriage to move to a replacement position when the liquid container needs to be replaced, as claimed.

Indeed, as explained in the present specification, in conventional apparatuses, when a user determines that the liquid container should be replaced based on the remaining amount of liquid displayed on the monitor, the user must press a replacement button provided on the apparatus in order to move the carriage from the standby position to the replacement position. *See e.g.*, paragraphs 0003 – 0005. As a result, the task of replacing the liquid container is troublesome for the user.

However, consistent with the invention recited in claim 1, when the determining section determines that the liquid container should be replaced with the replacement liquid container, the carriage is moved to the replacement position without requiring any further action on the part of the user. In fact, when such a determination is made, the control section controls a moving mechanism in such a way as to move said carriage to a replacement position from a standby position, as set forth in claim 1. Accordingly, as explained in the present specification, the claimed invention (among other things) reduces the burden on the user by minimizing the time and labor required to replace the liquid container. *See e.g.*, paragraph 0076. Thus, the claimed invention makes the process of liquid container replacement much easier.

Therefore, Applicant respectfully submits that independent claim 1 is not anticipated by (i.e. is not readable on) the applied reference for *at least* these independent reasons. Further, Applicant respectfully submits that the dependent claim 6 is allowable *at least* by virtue of its dependency on claim 1. As such, Applicant respectfully requests that the Examiner withdraw these rejections.

B. Independent Claim 11

Independent claim 11 recites (among other things):

...moving said carriage to a replacement position in the case where the liquid container mounted on said carriage is determined to be replaced with said replacement liquid container.

In view of the similarity between these requirements and the requirements discussed above with respect to independent claim 1, Applicant respectfully submits that arguments analogous to the foregoing arguments as to the patentability of independent claim 1 demonstrate

the patentability of claim 11. As such, it is respectfully submitted that claim 11 is patentably distinguishable over the cited reference *at least* for reasons analogous to those presented above. Further, Applicant submits that the dependent claim 13 is allowable *at least* by virtue of its dependency on claim 11. Thus, the allowance of these claims is respectfully solicited of the Examiner.

C. Independent Claim 14

Independent claim 11 recites (among other things):

...moving said carriage to a replacement position in the case where the liquid container mounted on said carriage is determined to be replaced with said replacement liquid container.

In view of the similarity between these requirements and the requirements discussed above with respect to independent claim 1, Applicant respectfully submits that arguments analogous to the foregoing arguments as to the patentability of independent claim 1 demonstrate the patentability of claim 14. As such, it is respectfully submitted that claim 14 is patentably distinguishable over the cited reference *at least* for reasons analogous to those presented above. Further, Applicant submits that the dependent claim 16 is allowable *at least* by virtue of its dependency on claim 14. Thus, the allowance of these claims is respectfully solicited of the Examiner.

VII. Claim Rejections Under 35 U.S.C. § 103

The Examiner has rejected claim 5 under 35 USC § 103 (a) as allegedly being unpatentable over Yanagida in view of Japanese Patent Application No. 10-286976 to Tanaka *et*

al. (hereinafter “Tanaka”). Applicant respectfully traverses these rejections for *at least* the independent reasons stated below.

In order for the Examiner to maintain a rejection under 35 U.S.C. §103, Yanagida, Tanaka, or some combination thereof, must teach or suggest all of the recitations of claim 5. Claim 5 incorporates all of the novel and non-obvious recitations of its base claim 1. For *at least* the reasons already discussed above, Yanagida fails to disclose or suggest all the features of claim 1. Moreover, Tanaka fails to remedy the deficient teachings of Yanagida. Accordingly, Applicant submits that claim 5 is patentable over the cited references *at least* by virtue of its dependency on claim 1.

VIII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment under 37 C.F.R. § 1.111
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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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